

THE HONORABLE ROSANNA MALOUF PETERSON

Ronald L. Berenstein, WSBA No. 7573
Sean C. Knowles, WSBA No. 39893
Angela R. Martinez, WSBA No. 38326
Austin J. Rice-Stitt, WSBA No. 42166
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
RBerenstain@perkinscoie.com
SKnowles@perkinscoie.com
AMartinez@perkinscoie.com
ARiceStitt@perkinscoie.com
Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

CITY OF ROYAL OAK
RETIREMENT SYSTEM, et al.,
Individually and on Behalf of all
Others Similarly Situated,

Plaintiffs,

v.

ITRON, INC., MALCOLM
UNSWORTH, and STEVEN M.
HELMBRECHT,

Defendants.

No. cv-11-077-RMP

CLASS ACTION

MOTION TO DISMISS THE
CONSOLIDATED COMPLAINT
FOR VIOLATIONS OF FEDERAL
SECURITIES LAWS

NOTE FOR MOTION CALENDAR:
February 23, 2011
2:00 p.m.

ORAL ARGUMENT REQUESTED

Defendants respectfully move this Court pursuant to Federal Rule of
Civil Procedure ("Rule") 9(b) and Rule 12(b)(6) for and Order Granting

MOTION TO DISMISS CONSOLIDATED
COMPLAINT – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Motion to Dismiss Consolidated Complaint for Violations of Federal Securities
2 Laws.
3
4

5 In support of this motion, Defendants submit the following:
6

- 7 • Memorandum of Law in Support of Motion to Dismiss
8 Consolidated Complaint for Violations of Federal Securities
9 Laws
10
11
- 12 • Declaration of Sean C. Knowles in Support of Motion to Dismiss
13 Consolidated Complaint for Violations of Federal Securities
14 Laws; *see also* related Request for Judicial Notice in Support of
15 Motion to Dismiss Consolidated Complaint for Violations of
16 Federal Securities Laws, filed concurrently herewith.
17
18
- 19 • [Proposed] Order Granting Motion to Dismiss Consolidated
20 Complaint for Violations of Federal Securities Laws.
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

1
2 DATED: October 21, 2011

PERKINS COIE LLP

3
4
5 By: s/Ronald L. Berenstein

6 Ronald L. Berenstein, WSBA No. 7573
7 Sean C. Knowles, WSBA No. 39893
8 Angela R. Martinez, WSBA No. 38326
9 Austin Rice-Stitt, WSBA No. 42166

10
11 1201 Third Avenue, Suite 4800
12 Seattle, WA 98101-3099
13 Telephone: 206.359.8000
14 Facsimile: 206.359.9000
15 RBerenstain@perkinscoie.com
16 SKnowles@perkinscoie.com
17 AMartinez@perkinscoie.com
18 ARicestitt@perkinscoie.com

19
20 Attorneys for Defendants
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MOTION TO DISMISS CONSOLIDATED
COMPLAINT – 3

LEGAL21905356.1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Steven W. Berman
Karl P. Barth
Tyler Weaver
Hagens Berman Sobol Shapiro
1918 Eighth Ave., Ste. 3300
Seattle, WA 98101

Jennifer L Gmitro
X Jay Alvarez
Robbins Geller Rudman & Dowd LLP
655 West Broadway Avenue, Suite 1900
San Diego, CA 92101

PERKINS COIE LLP

By: s/Ronald L. Berenstein
Ronald L. Berenstein, WSBA #7573
RBerenstain@perkinscoie.com
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

Attorneys for Defendants

MOTION TO DISMISS CONSOLIDATED
COMPLAINT – 4

LEGAL21905356.1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000